

کتابخانه

تاریخ راجو

تاریخ

29/3/2022

21/12/2012

وقلت

نام حکم تعداد

محمد حسن

یونانی آف جیوں دلمہ بند لہ ۱۲ میر کنڈ بنام استقامت الحکامی و
درخواست دکناری

178/2022
18. msk

نتهى الف

نتھی پ

كل میزان نتهی الف و ب

1st Additional Sessions Judge, Baramulla

CNR No. JKBA010022262022
Date of Institution: 21.12.2022
Date of Order: 29.03.2023

In the Case of:-

Union Territory of J&K through
P/s Pattan FIR No. 169/2022
Under section 8/20, 29 NDPS Act.

In the matter of:

Application on behalf of **Altaf Ahmad Rather S/o Ghulam Nabi Rather R/o Khaitangan, Baramulla** for release of cash and mobile phone.

Present:- Learned counsel for applicant
Learned APP for U.T.

Coram: Malik Shabir Ahmad
J.O.Code: JK00122

O R D E R

1- This order shall dispose off an application for release of items i.e., (a) Cash amount of Rs.17000/= and (b) mobile phone Vivo (Android), seized in the above titled case. It is stated in the application that applicant is in need of the cash & cell phone which stands to have been seized by the police station concerned in the above titled case. Lastly prayer is made that the cash & mobile

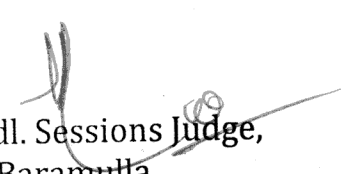
phone in question may be released in favour of the applicant.

2- On presentation of the application report was called from the concerned clerk and the perusal of same reveals that the above titled case is pending disposal before this Court. Id. APP has resisted the present application on the grounds that the challan/charge sheet was presented before this Court on **03.12.2022**. The record of the case reveals that from the possession of the accused 1004 grams of Ganja, mobile phone **(Vivo)** and **cash of Rs.17000/= has been recovered/seized**. That the mobile phone is an important piece of evidence and is required for identification by the witnesses during the trial of the case, besides Rs.17000/= is the proceeds of the illicit trade and same cannot be released in favuor of the applicant. Lastly prayer is made that the application filed by the accused through Id. counsel may kindly be rejected as the same would meet the ends of justice.

3- Heard and perused the record. I have also perused the application, objections of prosecution, office report and main challan. Without commenting on the merits of

the case at this stage the application is partly allowed and Mobile Phone in question is temporarily released in favour of the applicant **on superdnama** with the condition that Superdar shall produce/deposit the same before the court as and when directed/required. So far as the seized cash is concerned the same cannot be released at this stage being important piece of evidence. The application stands disposed off accordingly, be made part of the main file after due completion.

Announced:
29-03-2023


1st Addl. Sessions Judge,
Baramulla.